

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

USHA HALEY	)	
Plaintiff,	)	
	)	
v.	)	
	)	No. 3:03-CV-292
UNIVERSITY OF TENNESSEE-	)	
KNOXVILLE; and JAN WILLIAMS,	)	
in his individual capacity,	)	
	)	
Defendants.	)	
	)	
	)	

**ORDER**

For the reasons stated in the memorandum opinion filed contemporaneously with this order, defendants' motion to dismiss [doc. 25] is **GRANTED** to the extent it seeks a dismissal of plaintiff's claims based on the waiver provision of the Tennessee Claims Commission Act ("TCCA"), Tennessee Code Annotated section 9-8-307(b).

Defendants' motion for summary judgment [doc. 29] is **DENIED**. Plaintiff's motion to strike [doc. 49] is **DENIED AS MOOT**.

This case is **DISMISSED** with the proviso that should plaintiff return to the Tennessee Claims Commission ("TCC") and the waiver provision of the TCCA is not invoked due to defendants' acts being deemed outside the scope of their employment, the plaintiff may move to reopen this case within sixty (60) days of the final adjudication by the TCC and pursue her claims in this court. *White by Swafford v. Gerbitz*, 860 F.2d 661, 665 (6<sup>th</sup> Cir. 1988).

Accordingly, this civil action is **DISMISSED**.

**IT IS SO ORDERED.**

ENTER:

s/ Leon Jordan  
United States District Judge